

S/N 10/523,659

PATENT

Confirmation No. 1198

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|-----------------------------------|-----------------|-----------------|
| Applicant: | Bowman, et al. | Examiner: | Susan W. Berman |
| Serial No.: | 10/523,659 | Group Art Unit: | 1711 |
| Filed: | 02/04/2005 | Docket No.: | 076775-011307 |
| Title: | POLYMER DERIVED CERAMIC MATERIALS | | |

DECLARATION OF CHRIS BOWMAN PURSUANT TO 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Chris Bowman, residing at 5205 Waterstone Drive,
~~3212 47th Street~~, Boulder, CO, hereby declare:

1. I am a co-inventor of the subject matter claimed in the above-cited patent application, entitled "Polymer Derived Ceramic Materials."
2. I am familiar with the above-cited application. I am also familiar with the Office Action mailed March 19, 2007. I am aware that the Examiner has rejected the claims as anticipated under 35 U.S.C. 103 in part based on the information provided by the 102(a) reference Liew et al., in the article "Fabrication of SiCN MEMS by Photopolymerization of Pre-Ceramic Polymer" which has a publication date of January 1, 2002.
3. The claimed invention, methods of forming a three-dimensional ceramic material from a thiol-ene polymer, were conceived of prior to the publication date of January 1, 2002. In support, attached are copies of laboratory notebook pages documenting the work done by a graduate research assistant working in my laboratory in creating and testing materials for use in the fabrication of three-dimensional, micro electro mechanical systems (MEMS) structures. The first two pages provide, among other information, under the title "XIII. MEMS FAB"

experimental data for the creation of three-dimensional ceramic structures derived from Si material. The third page provides, among other information, experimental data for an experiment in which a polymer derived ceramic formulation containing an Si material (Ceraset) and thiol functional groups was created for use as a substrate in a MEMS structure. The additional pages 4-6 provide data for further experiments describing additional Si-thiol polymer formulations for the substrate.

4. I declare that the laboratory notebook pages provided with this affidavit are dated prior to the publication date of January 1, 2002 and, thus, establish that claimed invention was conceived of prior to January 1, 2002.

5. I further declare that all statements made herein of my own knowledge are true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.



Christopher N. Bowman, PhD.

9/13/07

Date